

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

RONALD REED MILLSAPS,

Plaintiff,

v.

JOHN DOE 1, as a Blount County

Sheriff's Officer,

Defendant.

No.: 3:25-CV-9-KAC-DCP

ORDER ADOPTING REPORT & RECOMMENDATION

Before the Court is United States Magistrate Judge Debra C. Poplin's "Order and Report and Recommendation" ("Report") entered on August 6, 2025 [Doc. 14]. On January 8, 2025, Plaintiff filed a pro se Complaint [Doc. 2]. Plaintiff's Complaint "contained certain deficiencies but instead of recommending dismissal," Judge Poplin gave Plaintiff "leave to amend" sua sponte [Doc. 11 (granting leave and identifying how original complaint failed to state a claim)]. On June 9, 2025, Plaintiff filed an Amended Complaint [Doc. 12], which is operative. Plaintiff is proceeding in Forma Pauperis [See Doc. 14 at 3]. But his Amended Complaint failed to cure all of the previously-identified deficiencies [See Doc. 14 (thoroughly screening and explaining deficiencies in the Amended Complaint)].

The Report makes four recommendations upon screening the Amended Complaint under 28 U.S.C. § 1915(e). **First**, the Report recommends that the Court permit Plaintiff's 42 U.S.C. § 1983 excessive force claim to proceed [*Id.* at 7-8]. **Second**, the Report recommends that the Court permit Plaintiff's state law claims for assault, battery, negligent use of force, and intentional infliction of emotional distress to proceed [*Id.*]. **Third**, the Report recommends that the Court dismiss Plaintiff's claim under 42 U.S.C. § 1988 [*Id.* at 8]. **Finally**, the Report recommends that


the Court dismiss Plaintiff's welfare check abuse and false light claims for failure to state a claim [*Id.* at 8-10]. No Party objected to the Report, and the time to do so has passed. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2).

After reviewing the record, the Court **ACCEPTS** and **ADOPTS** the Report [Doc. 14] under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b)(2). The Court:

- (1) **DISMISSES** Plaintiff's claims for (a) violation of 42 U.S.C. § 1988, (b) welfare check abuse, and (c) false light; and
- (2) **PERMITS** Plaintiff's claims for (a) excessive force under 42 U.S.C. § 1983, (b) assault, (c) battery, (d) negligent use of force, and (e) intentional infliction of emotional distress **to proceed**.

Because Plaintiff has not yet identified Defendant John Doe 1 and Plaintiff has a "Motion to Conduct Discovery" to learn the identity of Defendant John Doe 1 pending, [*See* Doc. 5], the Court will not order service under Rule 4(c)(3) at this time.

SO ORDERED.


KATHERINE A. CRYTZER
United States District Judge